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Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Security Council
Fifty-fifth year

Letter dated 12 September 2000 from the Permanent Representative of Namibia to the United Nations addressed to the Secretary-General

I have the honour to transmit to you a memorandum by the Frente POLISARIO to the members of the General Assembly and to the members of the Security Council on the question of Western Sahara (see annex) and I should be grateful if you would have it circulated as a document of the General Assembly, under agenda item 18 and of the Security Council.

(*Signed*) Martin **Andjaba**
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Annex to the letter dated 12 September 2000 from the Permanent Representative of Namibia to the United Nations addressed to the Secretary-General

[Original: French]

Memorandum by the Frente POLISARIO on the question of Western Sahara

1. One year has elapsed since the General Assembly of the United Nations last reviewed the question of Western Sahara and adopted resolution 54/87, in which it, inter alia, reaffirmed the need for the holding of a referendum on self-determination in order to settle the question.

2. As the Assembly begins its fifty-fifth session, implementation of the Settlement Plan by the United Nations Mission for the Referendum in Western Sahara (MINURSO) has earned a mixed review. Indeed, the unprecedented progress achieved has been tempered by the serious challenges and dangers that now threaten the process.

3. In early 2000, MINURSO completed the identification of some 198,000 applicants for the referendum on self-determination. This difficult task, which was begun in 1994 and is the most important element of the entire process, was doggedly pursued by the Identification Commission of MINURSO and resulted in the publication in February 2000 by the United Nations of a provisional list of 86,349 voters.

4. However, Morocco's obstructionist attitude has once again brought the process to an impasse, even though the remarkable progress that had earlier been achieved should have advanced the time-frame for the holding of the referendum on self-determination. Morocco has in fact taken advantage of the appeals process to flood the Identification Commission with thousands of appeals that were lodged at its instigation by Moroccan nationals whose applications had been rejected during the identification phase for failure to meet the criteria to qualify as nationals of the Territory. An appeal was lodged by Morocco for each person rejected, which means that the Commission of MINURSO is now faced with a huge number of nearly 135,000 appeals, 95 per cent of which have no legal basis or practical justification.

5. This attitude, which threatens to undo the painstaking work that has been done by the Identification Commission often under difficult conditions represents a slap in the face of the international community, which has devoted considerable human and financial resources to this exercise. By its actions, moreover, Morocco has spurned the repeated appeals made by the Secretary-General in several of his reports and by the Security Council in its resolutions 1238 (1999) and 1263 (1999) that the appeals process should not be turned into a second round of identification.

6. The preparatory work for the repatriation of Saharawi refugees faces basically the same problem, which is that, whenever some progress is achieved, Morocco throws up new obstacles in the way of the settlement process. The Office of the United Nations High Commissioner for Refugees (UNHCR) has in fact completed its pre-registration of the refugees who were invited to participate in the referendum and their immediate families, in accordance with the Settlement Plan and the resolutions of the Security Council. The refugees number more than 140,000, the majority of whom, for security reasons, have communicated to UNHCR their desire to be repatriated to the Territory of Western Sahara and thus escape the Moroccan occupation.

7. Despite this, the Kingdom of Morocco is attempting to politicize the repatriation exercise by transforming into a new obstacle the location to which refugees have freely chosen to be repatriated. It has no hesitation in applying pressure of various kinds on the United Nations so that the Organization would require refugees to be transferred to zones occupied by Morocco, in violation of the elementary principles of international law and the established practice of UNHCR.

8. Indeed, both in the identification process and in the preparatory process for the return of the refugees, the Moroccan side is multiplying the obstacles and delaying tactics. Its undeclared objective is to sabotage the referendum process or to at least delay the time-

frame. As a result of this policy, the civil activity of MINURSO has been reduced to a minimum since the completion in December 1999 of the process of identification of the tribes whose inclusion in the list had been challenged.

9. Unfortunately, faced with this situation, neither the Secretary-General nor the Security Council has continued to show the same determination to compel Morocco to honour its commitments and to cooperate loyally with MINURSO.

10. Moreover, the report issued by the Secretary-General in December 1999 contained a particularly negative evaluation of the implementation of the Settlement Plan and highlighted the difficulties which the Plan faces or will face in the future. For the sake of the cause, the considerable progress achieved in the settlement process is being either ignored or minimized. The tone of the three reports that followed remained the same. The report issued in July suggests a search for a new path towards a settlement of the conflict in Western Sahara outside the scope of the Settlement Plan and the referendum on self-determination for which it provided.

11. Within the Security Council, efforts to abandon the Settlement Plan have also been gaining ground from resolution to resolution since December 1999. Two influential members of the Council have been attempting since then to secure the Council's backing for their proposal to abandon the referendum process in favour of a spurious political solution, to be negotiated directly between Morocco and the Frente POLISARIO and which would of course ignore the right to self-determination of the people of Western Sahara. These efforts have not received the support of the Security Council and have led instead to divisions among its members on this important question.

12. One may therefore legitimately ask, in this regard, what are the real reasons behind the concerted efforts that are now being openly made. Is it because Morocco, which has serious doubts about the results of the referendum, now wishes to abandon the process?

13. Or is the aim simply to maintain the current status quo, even though it is clear that the current situation would be unsustainable in the absence of a credible peace process? In both cases, it is the wishes of the occupying Power that seem to be more important in the eyes of those who are attempting to modify the framework for a settlement.

14. Mr. James Baker returned to the scene early this year with a visit to the region in April 2000, where he joined the parties in making a preliminary assessment of the situation that has resulted from the large number of appeals lodged by Morocco, which is the root cause of the current impasse. While the two direct meetings between Morocco and the Frente POLISARIO, which were held in London in May and July 2000 under the auspices of the Personal Envoy of the Secretary-General, failed to yield any progress, they nevertheless confirmed Rabat's intention to block the referendum process and escape by any means possible the verdict of the polls.

15. In fact, the new approach being promoted by the Secretary-General and certain members of the Security Council suits Morocco, which sees it as a way of avoiding the referendum process at less cost. The publication of the provisional voter list would in fact leave it in no doubt about the outcome of the vote in favour of independence when the referendum is held. Unfortunately, the attitude of certain influential members of the Security Council is providing increasing encouragement for Morocco to continue to obstruct and block the process. During the direct technical discussions initiated in Geneva in July 2000 by the Personal Envoy of the Secretary-General, the Moroccan delegation left no doubt that this was its approach, when it quite simply refused to participate in any discussion whatsoever on the issues on the agenda.

16. For its part, throughout these consultations and direct discussions, the Frente POLISARIO reiterated its firm commitment to the Settlement Plan and to the holding of the referendum on self-determination as the only just and lasting solution to the conflict in Western Sahara. Any other approach that ignored the inalienable right of the people of Western Sahara to choose their destiny is mere speculation and destined to fail sooner or later. It would therefore never be supported in any way whatsoever by the Frente POLISARIO.

17. There is no doubt that, as the new millennium begins, the peace process, which has been going on for nearly 10 years now in Western Sahara, is facing grave challenges that threaten the very foundations on which the process has always been based. The United Nations should be proud of the unprecedented progress achieved by this process during the period just completed. This progress includes the fact that the ceasefire that has been in force since 6 September 1991

is still holding, the identification of voters, and the preparations that have been made for the repatriation of refugees. These achievements should be a source of encouragement for the United Nations, which should press forward and not allow itself to be intimidated by the delaying tactics of Morocco, whose intentions to obstruct the process are now becoming increasingly clear. The success achieved by the United Nations in the decolonization of East Timor demonstrates the capacity of the international organization to rise to the challenges and to ensure respect for international law and the right of peoples.

18. The mandate which the General Assembly entrusted to the Secretary-General of the United Nations to resolve this conflict is a solemn reiteration of the fact that the question of Western Sahara is one of decolonization and that a referendum on self-determination must be held, in conformity with resolution 1514 (XV) of 14 December 1960.

19. The international community cannot allow the process of decolonization of the last colonial enclave in Africa to be derailed by analyses being imposed by the desires of the occupying Power or by the temporal and immediate interests of certain Powers. At stake is the credibility of the United Nations, which has invested so much in this process that it must succeed. The General Assembly should therefore reiterate during its fifty-fifth session its commitment and determination to bring to a successful conclusion the process of decolonization in Western Sahara, in conformity with its relevant resolutions, by organizing a referendum for the people of Western Sahara that is free, impartial and conducted under international supervision.

September 2000